REMARKS

Claims 2 to 21, 23 to 34, and 36 to 45 remain pending without amendment.

Claim rejections under 35 U.S.C. § 103(a)

Over Scarne's New Complete Guide to Gambling

The Applicant submits that the claimed invention according to claim 41 would not have been obvious in view of Scarne's New Complete Guide to Gambling (hereinafter called Scarne) on the following grounds:

Scarne does not describe all of the elements claimed in claim 41 and the elements not described are not obvious to one having ordinary skill in the art at the time the invention was made.

Hereinafter is provided a table which compares the claimed elements and what is described or taught by Scarne:

Claim 41 elements	Scarne equivalent of these	Comments on comparison
	elements	
A method of providing a	The Treasure Tickets game	Yes
participation game among a	described	
plurality of players		
receiving from at least one of	The players of the Treasure	Yes
said players a play request	tickets game place a request	
to participate in said	to a ticket selling agent	
participation game		
associating a game card to	The agent sells a ticket to	Yes
said play request	the player/buyer	
associating a current draw	In the Treasure tickets game,	No. There is no current draw
result comprising at least two	the draw value is used to	to associate with the tickets.
numbers to said play	resolve the ticket value is the	There are dates associated
request;	last five digits of the U.S.	with tickets, with the U.S.
	Treasury balance daily	Treasury balance value on
	published in newspapers.	these dates being used as
		draw values. Thus, there are
		five non-current (<u>future</u>)

		draws associated with the
		play request.
establishing a play outcome	The value of the ticket sold	No, only later in the process
for said play request, based	(the five digits printed on the	during the week. At the time
on comparison of said	tickets) is compared daily to	of the ticket sale, no play
current draw result and said	the last five digits of the U.S.	outcome may be performed
game card	Treasury balance (draw	since no "current draw"
	value) to evaluate if the	exists. Later during the
	player wins a prize.	week, it becomes possible to
		compare the ticket value to a
		current or past draw value,
		but requires cheating as
		explained on pp. 159-160 of
		Scarne. The ticket digits are
		made to be sealed to prevent
		anyone from seeing them
		before buying the ticket.
determining whether a game	The game ending state only	No.
ending state is achieved	happens on weekends, since	What defines the game
based on said comparison	it is the criteria used to	ending state? According to
	determine when no more	the Office Action on page 3,
	action may take place (no	it is "when the player's
	more selling of last week's	numbers match the last five
	tickets, no action	digits of the U.S. Treasury
	corresponding to the draw	balance". This is not a game
	values, no outcome	ending state; the game
	determination, only the	carries one for 5 days
	player identifying the	regardless of whether or not
	outcome). Moreover,	one or more ticket value
	according to Scarne, "[i]f you	matches the draw value on
	missed seeing what the	one day. The player's tickets
	winning number was in the	remains available to win
	papers, a Treasury result	another prize during the
	sheet listing the winning	week. It does not prevent
	numbers was available the	another player from winning.
	following week."	It does not prevent another

being published the next day (i.e., the same game), though potentially establishing one or more additional winning tickets. Hence, Scarne does not teach a game ending state that is achieved based on said comparison. In Scarne, the game ending state that is achieved based on said comparison. In Scarne, the game ending state that is achieved based on said comparison. In Scarne, the game ending state that is achieved based on said comparison. In Scarne, the game ending state that is achieved based on comparison of the draw result and the game ends for all players since no more tickets are sold. However, during the week, when a match occurs between the ticket number and the Treasury balance value, there is no game ending state since the same game continues the next day. As stated above, a ticket being a winning ticket does not prevent another one to win the next day. Also, the same ticket can be used to win the next day. If said game ending state is not achieved, maintaining said current draw result remaining composed of a constant amount of said numbers, and associating state in the OA, the			Treasury balance value from
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constant amount of said game. Contrary to the	said current draw result	based criteria prevents or	
,	remaining composed of a	allows continuation of the	
numbers, and associating statement in the OA, the	constant amount of said	game. Contrary to the	
	numbers, and associating	statement in the OA, the	

said current draw result with	current draw result of Scarne	
a further play request	changes every day	
	regardless of the fact that	
	there is or not a winning	
	ticket. The current draw	
	result is not the player's 5	
	digit number as stated in the	
	OA.	
wherein all of said play	The draw result, distinct from	No. Ticket outcomes are
outcomes are based on said	the players' cards, must be	based on US Treasury
current draw result	the daily available U.S.	balances published during
	Treasury balances. The play	the week. No one draw is
	outcomes are not based on a	more current than the other.
	unique draw result. Since	If one is current, it is on the
	there are five days in a	day it is published. If so,
	week, there are five draw	Scarne does not say
	results. Which one is the	anywhere that a player
	current one?	winning a prize with a
		particular day Treasure
		balance value must "fix" this
		outcome during the time the
		draw result is <u>current.</u>
wherein said play request	As stated above,	No. The game ending state
resulting in said game	a) the player buying a	and the player winning the
ending state being achieved	card is the play	game are not associated in
establishes a winning player	request resulting in	any identified way.
of said participation game.	the player being	
	assigned a ticket, a	
	game card ; and	
	b) the end of the week	
	is the game ending	
	criteria.	
	Does the last player buying a	
	ticket wins anything? Is that	
	player the winner of the	
	game? According to the	
	I	

claim language, the only player that can win is the last one to buy a game card, since either the game ends or the current draw result is available for the next player to buy a game card. Scarne is silent on anything that could relate to that. Moreover, it is contrary to the way of playing the Treasury Tickets game Scarne describes. Scarne describes a game wherein tickets are sold with concealed numbers, draws are performed daily for the whole week, and wherein winning tickets are identified throughout the whole week and even after.

In relation with the statement on page 4 of the Office Action stating that "Scarne discloses the claimed invention except for ending said participation game for all of said plurality of players by preventing association of said current draw result with further play request" and that "it would have been obvious [...] to create an electronic version of the game using a plurality of players that ends when a winner is selected... " (emphasis added), the Applicant submits that an electronic version of Scarne's game would not result in the claimed invention. The Examiner is adding or designing in the "that ends when a winner is selected" portion of his statement. The "that ends when a winner is selected" portion is not found in the cited prior art and the person skilled in the art would have to add it on top of designing an electronic version of Scarne's game. Therefore, the Examiner's statement that

"broadly proving a mechanical or automatic means to replace manual activity which has accomplished the same result" is not applicable since it is not the same result. It may be obvious for a person of the technical field to create an electronic version of a well-known process, but not of an unknown process. Up until now, there is no prior art document that has provided the combination of having 1- a game process with the game ending with one player winning the game, and 2- a game process wherein the sale of cards (to use the example in the Office Action) ends with the determination of the win or of a winner.

For these reasons, the Applicant respectfully believes the rejection of claim 41 under 35 U.S.C. §103(a) should be withdrawn.

Concerning claim 45, the Applicant believes that the above arguments also apply, particularly regarding the ending game restriction present in the claim. Claim 45 also includes the claim limitation of ending the game play for the player regardless of whether or not the game ending state is achieved. It is the Applicant's opinion that Scarne does not provide a way to end the play of a player independently of (regardless of whether or not) the evaluation of the game ending state evaluation. As state in the table above, no clear meaning of the game ending state may be extracted from Scarne that may relate to what is claimed.

Concerning claim 44, the above arguments of requiring a good understanding of a method to a person skilled in the field to create an electronic version remain valid.

Accordingly, the Applicant respectfully submits that claims 41, 44 and 45 would not have been obvious in regards with Scarne, and thus the claims should be allowed.

The Applicant submits that all other claims rejected or otherwise allowable herein not discussed, are dependent upon claims deemed allowable by the Applicant or are deemed allowable by the Applicant according to the same arguments as discussed claims and thus should also be found allowable.

It is therefore submitted that the whole set of claims herein provided is in condition for allowance. Reconsideration of the Office Action's rejections is respectfully requested. Allowance of claims 2 to 21, 23 to 34, and 36 to 45 at an early date is solicited.

In the event that there are any questions concerning this Response to an Office Action or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

Gérald Duhamel

By:

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